S.B.Civil Second Appeal No.110/2007.

Takhat Singh and another.
vs.
Ran Singh and another.

Date : 5.4.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Amit Mehta, for the appellants.

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Heard.

The trial court decreed the suit of the plaintiffs for eviction of the tenants/appellants by the judgment and decree dated 23.8.2004. The first appeal was dismissed by the first appellate court vide judgment and decree dated 10.11.2006. Hence, this second appeal.

Both the courts below concurrently decided the finding of facts against the appelalnts after full appreciation of evidence.

In view of the above, I do not find any substantial question of law involved in this appeal and this second appeal deserves to be dismissed.

At this stage, learned counsel for the appellants

prayed that some time may be granted to the appellants to vacate the suit premises.

I considered this prayer of learned counsel for the appellants. Since the appeal is at admission stage and notices have not been issued to the respondents but looking to the facts of the case, this Court is of the view that the appellants be granted time upto 30.4.2008 to vacate the suit premises.

Therefore, it is ordered that in case, the appellants furnish a written undertaking before the trial court within a period of two months from today that they shall hand over the vacant possession to the landlords by or before 30.4.2008 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due, within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.5.2008. The appellants shall also deposit the rent month by month by 15th day of each succeeding month of their tenancy in the trial court or pay directly to the landlords.

In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

Since the order has been passed ex-parte granting time to the appellants, therefore, the respondents will be free to move application if they have any objection in grant of time to the appellants for vacating the suit premises.

With the aforesaid concession, this appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya